

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FIRST NATIONAL INSURANCE) 2:04-cv-0836-GEB-JFM
COMPANY OF AMERICA,)
Plaintiff,) ORDER
v.)
MBA CONSTRUCTION, et al.)
Defendants.)

On August 9, 2005, Plaintiff filed an Application for Right to Attach Order and Order for Issuance of Writ of Attachment, or in the Alternative, Application for Temporary Protective Order ("Application") and a Request for Shortened Time on the Application. Plaintiff requests that its Application be granted and a right to attach order be issued either on the basis of the papers filed, or that the matter be heard on August 29, 2005. Plaintiff contends "[s]hortened time on this matter is warranted on the basis of the declarations filed" and since "Defendants have failed to abide by this Court's Collateral Order . . . despite several repeated demands by

1 Plaintiff." (Pl.'s Req. for Shortened Time at 2.) Although
2 Plaintiff's counsel, Kirsten A. Roe, filed a declaration, the
3 declaration does not "show[] a satisfactory explanation for the need
4 for the issuance of [an order shortening time] and for the failure of
5 counsel to obtain a stipulation for the issuance of such an order from
6 other counsel or parties in the action," as required by Local Rule 6-
7 144(e). Therefore, Plaintiff's request to shorten time is denied, and
8 Plaintiff's Application will not be heard on August 29, 2005.

9 Further, Plaintiff's Application requests that a "temporary
10 protective order [restraining Defendants from transferring, hiding,
11 selling, or otherwise dissipating any property or assets] be granted
12 immediately pending the hearing on [Plaintiff's] application for writ
13 of attachment." (Application at 15.) Plaintiff contends the
14 temporary protective order is warranted because "Defendants refuse to
15 furnish the full collateral necessary" and "have made it clear that
16 they do not intend to pay their debts." (Id.) However, Plaintiff's
17 conclusory arguments do not support a finding that Plaintiff "would
18 suffer great or irreparable injury . . . if the temporary protective
19 order were not issued." Cal. Civ. Proc. Code § 486.010(b).
20 Therefore, Plaintiff's request for a temporary protective order is
21 denied.

22 IT IS SO ORDERED.

23 DATED: August 11, 2005

24 /s/ Garland E. Burrell, Jr.
25 GARLAND E. BURRELL, JR.
26 United States District Judge
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